

LSC Releases Report on Justice Gap in America

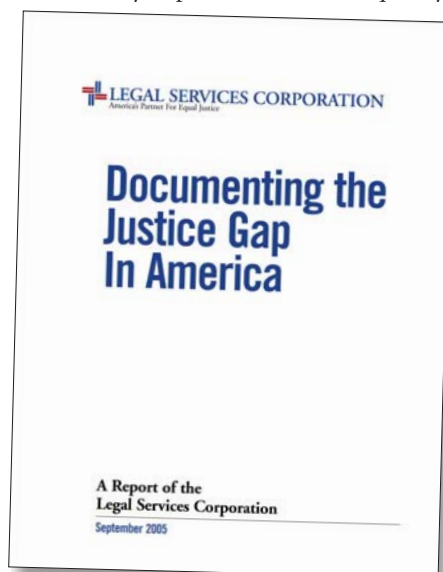
Report finds that at least 80 percent of the civil legal needs of low-income Americans are not being met

At its meeting in September 2004, the Legal Services Corporation (LSC) Board of Directors asked LSC staff to try to document the extent to which civil legal needs of low-income Americans were not being met, taking into account all the changes in the civil justice system in the last decade, including both LSC-funded services and non-federal resources. As a result, Helaine M. Barnett, President of the Legal Services Corporation, convened a Justice Gap Committee which included individuals from both within and outside LSC with experience in documenting unmet legal needs and conducted a year-long study culminating in the report entitled "Documenting the Justice Gap in America—The Current Unmet Civil Legal Needs of Low-Income Americans."

The study used three different methodologies to examine this question. First, LSC asked its grantees over a two-month period, from March 14, 2005 to May 13, 2005, to document the potential clients that came to their offices that the programs could not serve due to lack of resources. Second, it carefully analyzed the nine studies undertaken over the last five years in individual states about the civil legal problems faced by their low-income residents, examining

were turned away for lack of resources on the part of the program.

It is important to keep in mind that the data yielded by this methodology is under-inclusive in several ways. Data was collected from only LSC-funded programs. The count does not include people who may have sought help unsuccessfully from other programs. More broadly, the methodology does not capture people with serious legal needs who did not contact any legal aid provider for a variety of possible reasons. Frequently,



ing from these studies are as follows:

- Lack of understanding that the problem has a legal dimension and potential solution;
- A belief that getting a lawyer would not help;
- Low awareness of the availability of legal aid for civil matters;
- A belief that they could not afford a lawyer (even though most respondent households were financially eligible for free legal assistance under LSC guidelines).

The nine recent state studies demonstrated that less than 20 percent of the legal needs of low-income Americans were being met. Eight of the nine studies found an unmet legal need greater than the 80 percent figure determined by the ABA in their 1994 national survey. Finally, in adding up the number of legal aid attorneys serving the poor and comparing that to the LSC-eligible population, it was determined that there is one legal aid attorney for 6,861 low-income persons. By contrast, the ratio of attorneys delivering civil legal assistance to the general population is approximately one for every 525 persons, or thirteen times more.

It is clear from this research that at least 80 percent of the civil legal needs of low-income

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them for nationally applicable conclusions as well as comparing the results to the 1994 American Bar Association national study on the subject. Finally, it totaled the number of legal aid lawyers, those in both LSC and non-LSC funded programs, and compared that to the total number of attorneys providing civil legal assistance to the general population in this country.

All three methodologies demonstrated that there was a significant shortage of civil legal assistance available to low-income Americans. The LSC "unable to serve" study, the first comprehensive national statistical study ever undertaken, established that for every client who receives service, one applicant was turned away, indicating that 50 percent of the potential clients requesting assistance from an LSC grantee

people who need legal help do not know about the availability of civil legal assistance or their potential eligibility for legal services. Also, people who need legal help and know that they meet the eligibility requirements for free legal services may not seek help from the program because they believe (often correctly) that the program will not be able to assist them. Other barriers, such as geographical distance and isolation, low literacy, physical or mental disability, limited English proficiency, culture and ethnic background, and apprehension about the courts and the legal system, also pose impediments.

Seven of the state studies explored the reasons why so many people with a legal need did not seek legal help, but instead either did nothing or sought to resolve the problem on their own. Key reasons emerg-

Americans are not being met. Moreover, 50 percent of the eligible people seeking assistance from LSC-funded programs in areas in which the programs provide service are being turned away for lack of program resources.

While state and other non-federal support for legal services has increased in the last twenty years, the unmet need has grown due to stagnant federal funding and an increased poverty population. Assuming that state and private funding increases were to keep pace, it will take at least a five-fold funding increase to meet the documented need for legal assistance, and a doubling of LSC's current funding of the basic field grant just to serve those currently requesting help.

The report is available for download from LSC's website: www.LSC.gov